

Wild harvesting Australian native plants

In Australia, wild harvesting is a common practice whereby native plant materials (e.g. fruits or other parts of the plant) are collected or obtained directly from the wild or the ecosystem where native plants grow. This fact sheet provides an overview of what legal issues may arise when Australian native plant materials are harvested from the wild.

Legal issues for wild harvesting

There are a number of legal issues that may arise when native plant materials are harvested from the wild in Australia. The legal issues depend on a range of factors, such as:

- the location of the material to be harvested;
- the purpose for which the material will be harvested; and
- the conservation or environmental status of the material to be harvested.

1. Location of the material to be harvested

Wild harvesting may be conducted in different locations. Examples include the harvesting of native plants on Commonwealth land, State land, private land, or Indigenous land. Before harvesting any plant material from these locations, it is important to consider that:

- Wild harvesting on the land controlled by the Commonwealth or State government requires permission from the relevant government authority.
- Wild harvesting from private land requires prior approval from the relevant landowners.
- Wild harvesting from Indigenous land also requires prior approval from the relevant Traditional Owner(s) or local Land Council.

A person or an institution harvesting native plant materials without necessary permission exposes themselves to the risk of criminal charges (trespass and theft) and civil action.

2. Purpose for which the material will be harvested

Wild harvesting of native plants may be conducted for a number of reasons. These include personal consumption (e.g. foods or medicines), non-commercial research (e.g. research conducted for educational training or degree), and commercial research (e.g. value addition or biodiscovery research in agricultural, nutraceutical, pharmaceutical, cosmetic or other sectors). Depending on why a person or an entity intends to harvest native plants, it is important to consider that:

- Harvesting native plants for personal consumption by Indigenous people does not require permission from the government.
- Harvesting native plants for non-commercial research requires permission from the relevant government authority/landholders.
- Harvesting native plants for commercial or biodiscovery research requires permission from the relevant authority/landholders. In some jurisdictions, a separate benefit sharing agreement is also required to harvest and use native plants for biodiscovery research. For example, in Queensland, the Northern Territory, and Commonwealth, biodiscovery laws require a benefit sharing agreement between the provider and user of the biological material.

3. Conservation or environmental status of the material to be harvested

Although wild harvesting could be conducted to collect any native plants, there are special legal requirements for the taking and use of native plants that have been classified as ‘threatened or protected plants.’ For example:

- A permit from the Commonwealth government is required to take, trade, keep, or move the material of any native plant from Commonwealth land when the plant is classified as a threatened species or part of a threatened ecological community.
- A protected plant harvesting licence is required in Queensland to harvest protected plants. Additionally, a separate licence is required if the licensed harvester also intends to grow protected plants from harvested plant parts. This second licence is classified as a protected plant growing licence.
- In other States and Territories as well, similar legal requirements exist for the harvesting and use of protected native plants.

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This fact sheet is only for information purposes, and to assist you in understanding your legal rights and obligations in a general sense. It is not tailored to any particular fact, situation or specific requirements, and must not be relied on as legal advice.